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LETTER

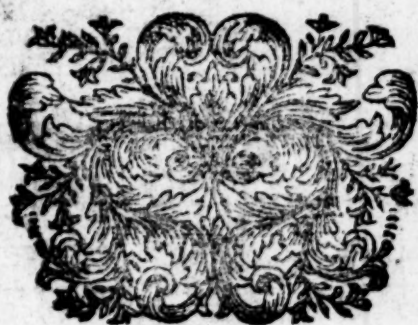
FROM A

LAYMAN in the Country,

TO, &c.

Concerning the Act of PARLIAMENT,
*for bringing to Justice the Murderers of
Captain John Porteous.*

*Put them in Mind to be subject to Principalities and
Powers, to obey Magistrates, — to be ready to every
good Work, TIT. 3 Ch. 1 Ver.*



Printed in the Year M.D.CC.XXXVII.

LETTER

FROM A

MAN in the Country

T. O. G. W.

Presented to the House of Commons
by Mr. John Lubbock

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A

LETTER, &c.

SIR,



OME of your Reverend Fathers, in their Return from the Conference at *Edinburgh*, made me the Compliment of a Visit; I was extremely sorry to find them so much diffculted about reading the Act of Parliament, *For bringing to Justice the Murderers of Captain John Porteous.*

Their Regard to the King's Person and Government, their Veneration for lawful Authority, their firm Attachment to Church and State, and Abhorrence of Mobs, are Things too well known to be called in Question; every one appears more willing than another to obey the Law, could they see its Consistency with the Testimony of a good Con-

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science, and Preservation of their Rights and Privileges: Pity, that such Men, through Ignorance or Mistake, should any way offend, or incur the threatned Penalties!

Finding my self not sufficiently qualified to remove their Scruples, I have presumed to lay them before you, hoping from your known Abilities, your Clearness, as I am inform'd in this Matter, and your particular Obligations to promote all due Obedience among your Brethren, that you'll take the Trouble to concur with me in opening their Eyes: Had I known their Difficulties sooner, they would have been transmitted e're now, but the Remedy will not yet be too late; if its impossible to prevent the first Offence, they may receive Light e're the second; and one may promise on the Goodness of a *British* Parliament; that the unwilling Offender, when become an obedient Subject, shall again be restored to Favour: If the first Penalty is inflicted, yet by preventing the second, you shall have the Honour and Satisfaction to save many Families from Ruin.

I believe 'tis needless to say, that Compassion to your erring Brethren, obliges me to place the Objection in the strongest View, that nothing may be omitted for satisfying their honest, tho' weak Minds.

1st, Sir, They imagine that they are not proper Heralds, that the Task enjoin'd is directly

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extrinſical to their Profeſſion, and perhaps more foreign to them than any other Sett of Men whatever (a); that Miniſters of the Goſpel are not bound to publiſh Civil Laws, that the Government have proper Officers for that Purpoſe, and are not neceſſitate to employ Church-Officers, Officers of another and diſtinct Jurisdiction; that ſo far as they know, neither the Clergy of *Scotland* nor *England* were ever appointed to promulgate any Acts of the *Britiſh* Parliament, and moſt certainly never under a Penalty (b): Hence they queſtion, if they ſhould tamely ſubmit, give up with ſuch a Branch of their Liberty, and introduce

(a) To what I objected, *that it was a habile Way of notifying any Law*, they answered as towards the End of this Letter.

(b) Your Brethren know, that ſince the Revolution, Miniſters were appointed to read an Act of the *Scots* Parliament for promoting Morality; but ſuch an Act, *ſay they*, a Miniſter ought and ſhould recommend in all its Particulars, even from the Pulpit, and contains nothing but what evidently demands his Approbation; and indeed this Act we were appointed to read, not ſolely to notify the ſame, but that it might be back'd with our warmeſt Exhortations; and we believe none of our Clergy will be very fond to ſay, that the Parliament, in enjoining us, and not their own Officers, to publiſh the preſent Law, thereby intended, that it ſhould carry alongſt with it our Recommendation in all its Branches, or that we ſhould read it with ſuch a View: Beſides, the *Scots* Parliament annex'd no Penalties to the Clergy's Neglect; you ſee 'tis quite otherwiſe in the preſent Caſe.

roduce a Precedent, for changing the Pulpit into a Market-Cross or Theatre for a common Crier.— “ *But does not this savour of Pride?* ” “ *Are ye to stand on Points of Honour with a Parliament? Ye are Subjects and ought to obey* ”:—Here they fancy their Liberty restricted, not so much as particular Subjects or Individuals, but as a Society, and consequently the more to be dreaded; the Appointment, say they, respects all and every one of us, claims a Share of the Time set apart for the proper Duties of our Function, and is guarded with Sanctions, one of them at least peculiarly connected with our Transgression as Church-men, as an associated Body, contradistinguished from the Common-wealth.

2dly, Tho’ they are far from thinking, that the publishing an Act of Parliament, does naturally infer an Approbation, and see evidently, that no Government can subsist, but on the contrary Supposition; and that ’tis necessary the Herald should make known what’s enacted, without examining whether ’tis reasonable or not: Yet they can’t help believing, that when any Paper is put into the Hands of one, who is not bound by his proper Office to notify the same, that ’tis his Duty to look into the Contents, and be satisfied in his own Mind, that at least it carries in it nothing wrong or any Way injurious to Mankind

kind (a). Such an Enquiry, and such a Conviction they reckon necessary, and that nothing short of it, can justify going out of their own Sphere, and undertake such a new Office: That they, the Ministers of CHRIST, should, above all Men, be careful what they speak as from themselves, or publish as the Sentiments of another, especially from the Pulpit, whence nothing should proceed, but what is good and edifying, and every Way consistent with the Laws and Character of the KING Eternal, whose Servants, in a special Manner, they are: If required to publish any Thing on a *Sunday*, and that in Time of Divine Service, as the Act commands, the Argument, said one, becomes of greater Force, and we can't be too careful in enquiring, or too much on our Guard, not to read any Thing at such a Time, and from such a Place, but what we are satisfied in our Minds, is right, valuable, and

(a) This Observation, That Ministers are not the proper Officers for publishing civil Acts, cuts off, in your Brethrens Apprehension, any Argument taken from their being obliged to publish the Orders of their respective Presbyteries, Synods and Assemblies; for such Judicatories are their proper and immediate Superiors in all Church Affairs: Besides, an Enquiry into Acts of Assembly is not denied them: And they imagine, that 'tis sufficient Obedience, according to *Presbyterian* Principles, not to oppose, tho' they do not execute what the Judicatories enjoin, when they declare they have any Scruple at having an active Hand in fulfilling their Orders.

and useful.---“ *Is not this the Enthusiastical Whim of you Scots Clergymen, a Notion peculiar to your over-scrupulous Consciences?*—Reply’d your Brethren, the same Enthusiasm possessed the Minds of ten thousand Clergymen in the 1688, the Minds indeed of the whole Clergy of *England*, two hundred only excepted; we don’t speak of their peculiar Reasons for refusing to read the Declaration, nor pretend that our Case is, in all Respects, equally straitning with theirs: The Declaration was founded on the Claim of a dispensing Power, assumed by the King; this Act hath the Authority of both King and Parliament; what we observe is the general Principle they laid down.---It seemed necessary to them to fix this as a Rule, “*That they ought to publish nothing in Time of Divine Service, but that which they approv’d of (a);*” if they thus resolv’d who acknowledge the King as Head of the Church, and subscribe the Rubrick, which directs them to read what the King, or their Ordinary enjoins them;---if this Rule was to them just and right, and it seems to have had the Testimony of almost the whole Nation, can a Minister of this Church obey the present Appointment, supposing him so weak as not to approve of the whole Act! They proceeded,

3dly,

(a) See Burnet’s History, Vol. 1. Fol. Ed. Page 737.

3dly, Supposing the foregoing Observations to have no Weight, and that we were satisfied, for once, to commence Heralds, and instead of any nice Enquiry, desirous to publish the Act as directed, still there remains Difficulty: They alledge, I don't know how justly, that if the Heralds of the Law, tho' not bound to examine its Contents, should, in any particular Instance, apprehend something harsh, severe, or unequal, that even *they*, rather than publish such a Law, ought to resign their Office, and commit themselves to the Mercy of the Legislature;—This, added one of them, seems pretty plain, tho' it should be granted, that simple Reading in no Case infers any Approbation, because, suppose I might notify an unequal Law, without approving it myself, yet, for other Reasons, such Compliance should be refused: The Law of God, the Eternal Rule of Righteousness, commands to *abstain from all Appearance of Evil*, consequently forbids our being so much as the Mouth, the mere *Medium* of communicating the Knowledge of Wrong: Compassion to our Fellow-creatures, Love to Mankind, and every Thing in Christianity, enjoins Silence.— “Not *so fast*,
 “ *Reverend Sir, you're too good a Subject jure,*
 “ *to intend any close Application of this Rule.*”
 -----Nothing is further removed from my Thoughts; I'm the last Man will assert, that our wise and gracious Rulers have enacted a
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Thing wrong and unequal ; but it can give no Offence to suppose them *Men, i. e.* fallible, and as 'tis impossible to see with the Eyes of another, this Act, or rather its Penalties, does not appear to me just what I could wish ; certain Doubts, some how or other, cloud the Understanding, and perplex the Mind : Yet, while in this State of Suspence, we can't, according to the Apostle's Rule (a), yield a chearful Obedience.

The Murder of Captain *Porteous* they abhor, searching out, and punishing the Actors, they think most reasonable ; they are not so arrogant, as to prescribe what Methods a Government may take for their Security, or how far they must go for the common Safety and Well.

But, Sir, this Country having felt the fatal Consequences of intercommuning Acts, in the late unhappy Times, every Thing bearing the remotest Resemblance, looks to them with a formidable Aspect : A Law which discharges all Humanity, by which not only the Father must shut the Bowels of Compassion upon the unhappy Son, but the tender hearted Son contribute

(a) Rom. xiv. ver. 22 and 23. *Happy is he that condemneth not himself in that Thing which he alloweth. He that doubteth is damned if he eat, because he eateth not of Faith ; for whatsoever is not of Faith is Sin.*

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who has the absolute Disposal of his Creatures, instituted for preserving of the *Jewish* Nation, and of the whole Church of God, which End can well justify great Severities; but even by that Law, I don't find that the Son was obliged to inform against the Father, or the Wife against the Husband: However, 'tis left to your better Judgment, whether any Power on Earth can be warranted from this Law against Idolatry, to cut off the natural Obligations of a Father to a Son, or a Son to a Father. Sure I am no Prince or Nation hath or can have the same Reason for enacting such a Law. The preserving the *Jewish* Church was connected with a Scheme of Things, by no Means confined to this World, but extending to all the Ages of the eternal State. To proceed,

The Clause relating to the Reward for Informers, who may notwithstanding be Witnesses, likewise gives your Bretheren Pain; they are afraid that some Persons in low Life, may be tempted to perjure themselves, and cut off the Innocent. Two Rogues, nay two Ringleaders of the Mob, said they, have it in their Power legally to convict the most valuable and guiltless Member of Society, while they obtain a Pardon to themselves, with two hundred Pound each as a Reward; and if any true Friend to the Government is industrious, to discover these Wicked Projectors of the dar-
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ing Attempt, he thereby becomes the Butt of their Malice, and his Life is in the greater Danger. “*Have we not frequent Instances, even in Scotland, where the socii criminis are indemnified themselves, and yet admitted Evidences.*” It must be observed, That ere such Persons are allowed to witness, they have got their Pardon, and so are under no Temptation to swear falsely; they have nothing further to expect, no *Premium* to blind their Eye. “*Is not the Person robbed in England both Informer and Witness?*” Their grand Jury is a Security we want in Scotland; “*Are not the Discoverers of noted Highway-men frequently entitled to a Reward, and yet allowed to Witness?*” This is not denied; but supposing this Case equal, or that a parallel Instance may be brought, where the indemnified Person is Informer and Witness, and receives a Reward; this does not fully satisfy, for these and all other equal Cases are liable to equal Objections. Your Brethren were far from reflecting on the Wisdom of the Nation, these Things they mention’d only as possible Consequences; and indeed they are no more than possible; for my own Part, I’m under no such dreadful Apprehensions. Several other Things past in Conversation relating to the Matter of the Act; even the Words **Lords Spiritual** gave a good old Man no small Disturbance; he did not love to pronounce

nounce them in a *Presbyterian* Pulpit, without some Observations: But passing these,

One of them thought it more material to consider the Time appointed for reading the Act, "*The first Sunday or Lord's Day in every Month for one whole Year, on such Sunday or LORD's Day in the Morning, immediately before the Sermon.*" He observ'd, that however our Clerks or Precentors sometimes intimate, *Sermon will begin at such a Time, when they mean publick Worship*; that yet this is by no Means the Intention of this Act, never did a *Scots* Parliament conform themselves to this Method of Speech, far less are we to suppose a *British* Parliament have followed such an Impropriety; 'tis their constant Stile, as we are informed, "*Enact this or the other Thing, to be intimate before or after Divine Service, or publick Worship.*" Here the Injunction runs before *the Sermon*, with a peculiar Emphasis; and least even this Expression might admit of any Evasion, 'tis added *immediately before the Sermon*, a Phrase new, unprecedented, and evidently calculated for the Purpose in Hand. If we imagine the Parliament knew no Distinction betwixt our Lecture and Sermon, still the Command requires, that the Act should at least be read immediately after the first Prayer before the Lecture; this seems the more plain from the constant Practice in *England*, first their Service, their

their Worship, is performed, then they read what is appointed, and Sermon immediately begins. What past in open Parliament removes the Matter beyond Question ; an Honourable and learned Countryman of ours, whose Name will ever be dear to all good Men, urged, that this Act might be read, as usual in *Scotland*, after Divine Service. The Proposal was rejected, lest the People should get out of Church, and frustrate the design'd Publication ; therefore a Time was pitch'd on, which of all others bid fairest for laying them under a Necessity of hearing the Law. But will reading it before Worship begin, serve this Purpose ? By no Means ; this is yet worse than the above rejected Proposal. A Clergyman of a voluble Tongue might run it over after Divine Service, ere one Half at least of some Congregations can dismiss ; but if the Bell no sooner has begun, or has scarce done ringing when the Minister begins to read ; if 'tis read only at the usual Time of Meeting, the Intention of the Legislature is indeed thereby frustrate, the People, by staying out of Church a few Minutes longer, may save themselves the Trouble of hearing, and the Preacher of proclaiming the Law ; whether therefore, continued he, we consider the Act itself, or its various Circumstances, still it appears, that we are commanded to publish it in Time of Divine Service ; and we are not quite

quite sure, if its Contents are such, as will dispose the Mind for hearing the Truths of God, or inspire the pious *Presbyterian* with true Devotion. The mixing, the joining human Appointments, added a rigid old *Whig*, with Divine Ordinances, in the Time set apart for sacred and solemn Administrations, must, it cannot fail to — Here he was seized with a Frenzy; on *this sole Point*, said he, *will I venture all, and state my Sufferings* (a).

Here a Brother, a Man of the greatest Moderation, and the farthest removed from superstitious Niceties, interrupted him, and said, Perhaps such a Foundation will not bear you out. But there is somewhat of greater Consequence has not yet been noticed.

'Tis enacted, That in case Ministers shall neglect to read this Act, as 'tis hereby directed, they shall for the first Offence be declared incapable of sitting or voting in any Church-judicatory, and for the second Offence, be declared incapable of taking, holding, or enjoying any Ecclesiastical Benefice in that Part of Great Britain called Scotland.

A great many good and wise Men, said he, think, and perhaps not without Ground, that

(a) Some of them suggested, that other Intimations are frequently made before the Blessing (a solemn Act of Worship) is pronounced. He replied, this Practice is equally wrong, if the Intimation is of a similar Nature.

that this first Penalty is purely Ecclesiastical, which can't be justly threaten'd or inflicted by the Civil Magistrate, but belongs to the Ecclesiastical Jurisdiction (a). But as I am willing always to view Things in the best Light, especially the Commands of my lawful Superiors, shall at present suppose, that no more is meant, than the depriving the non-complying Clergy, of sitting or voting in the Judicatories of the Church of *Scotland*, as by Law established; and that supposing the Censure past, they might still, as the Dissenters in *England*, meet together, license, ordain, and exercise the other Parts of the ministerial Function, and that nothing more is threaten'd, but that their Deeds shall not have a legal Influence. This is softening the Matter as much as possible, and making every Allowance which can be demanded; yet after all, continued he, it may be a Question, how far this is consistent with what is expressly declared a fundamental and essential

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(a) Your Brother told me, that he was surprized to hear one assert, that the first Penalty could not be an Ecclesiastical Censure, because the second was not. Strange Inference! as to the Case in Hand, suppose a Minister offends for the first Time, if he prevents the second Offence, by reading this Act, he is then still a Member of the legal established Church, and yet incapacitate from sitting or voting in so much as a Kirk-session belonging to that Establishment. Is not this an Ecclesiastical Censure with a Witness?

Condition of the Union, viz. *That the Worship, Discipline and Government of this Church, its Discipline and Government by Kirk-sessions, Presbyteries, Provincial Synods and General Assemblies, should remain and continue unalterable to the People of this Land in all succeeding Generations.*---It always has been, is now, and was then an essential and unalterable Part of our Constitution, that Ministers are to be admitted Members of Presbyteries, Synods, &c. *only* by a Deed of the Clergy, and shall enjoy the whole Privileges belonging to Members of such Judicatories, *until* excluded by a Sentence of their Brethren.----- When therefore the Treaty of Union, by which alone it is that there is a *British* Parliament, ratifies our *Confession of Faith*, and provides, that the said *Presbyterian* Government shall be the only Government of the Church within the Kingdom of *Scotland*.--- The Legislature supposing them antecedently possess of a Right to turn out or put in Members of any legal established Church, seems hereby to give up with that Right, and invests the Clergy of *Scotland* *solely* with this Power, and directly stipulates, That whatever was done in one or two Instances by the Civil Magistrate, before the Union, contrary to these *Presbyterian* Principles, against which the Church always remonstrated, provides, that this should not happen in all Time coming. “ *Strange Fancy!*

“ *Fancy! How can ye imagine that the King
 “ and Parliament should engage their Prote-
 “ ction and Countenance to any Society of Men,
 “ when not in their Power to exclude so much
 “ as one Member, however rebellious!*”--- In
 case of their Disobedience to the Law of the
 Land, they may, and ought to be punished
 in the same Manner with other Subjects: For
 Instance, Should a Clergyman commit Mur-
 der, how incompetent would it be for the
 Magistrate to enact, that because of this
 Offence, he shall be declared *incapable of sit-
 ting and voting in any Church-judicatory.*---
 Still the Government have nothing to fear, by
 inflicting that civil Punishment the Law re-
 quires. He is indeed effectually and for ever
 removed from the Church-judicatories.

“ *But what tho’ the Parliament should turn
 “ out and put in the Ministers of the establish’d
 “ Church, still we might enjoy Presbyteries, Sy-
 “ nods and Assemblies.*”---Put the Case that the
 Parliament enact, That the Sett of the City of
 Edinburgh shall continue unalterable, through-
 out all succeeding Generations, and yet next
 Year, instead of allowing the Election to pro-
 ceed as usual, they themselves should, at the
 first Instance, nominate and **elect** the whole
 Magistrates; would this be a **Fulfilment** of
 the pledged publick Faith?---If it was not
 stipulate by the Union, that *Presbytery* should
 remain in its *then* Frame and Contexture, no-

thing was stipulate at all ; we were secured in a mere Name, but no Reality, and might have *Episcopacy* under the Name of *Presbytery*.

“ *What is all this to the Purpose? Why do*
 “ *Penalties come into the Question? You must*
 “ *distinguish betwixt the statutory and manda-*
 “ *tory Part of a Law. Are you not bound to*
 “ *obey the Law, if not obviously sinful, what-*
 “ *ever be the Sanction?--Had the Parliament*
 “ *enjoyn'd your Observance of the LORD's*
 “ *Day, to keep it holy under the like Censure,*
 “ *would it not have been plain Duty to obey?*

Concerning this Reasoning your Brother observed, That it proceeded on a false Supposition, viz. that *Penalties or Sanctions are not Part of a Law*; and if the mandatory Part be right, all is right; Whereas nothing is more obvious, and even demonstrable, than that the Error of many Laws lies directly in connecting unjust Punishments with Disobedience. If, for the better Policy of the City of *Edinburgh*, it were enacted, That the Water-bearers should attend the Wells in a given Order; but in case of the least Failure, that is, if the sixth in Order stepped into the Place of the fifth, it should be lawful for this fifth to take away the Life of the sixth with Impunity;---the mandatory Part is good, yet scarce can we conceive a Law more severe, more unjust, and contrary to Right. If by this plain Example

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it appears, that Laws may become unjust from the Sanction as well as the Command; then the Publication in either Case must be equally criminal.

I confess I can't see how one may be guilty by publishing a Law unreasonable in its Matter, and yet quite blameless when he publishes a Law, become unreasonable by its Sanctions. Can he without a Fault proclaim to the World, even that Part of it, which links the Transgression, and undue Punishment together? In both Instances I am the Mean, the Instrument of diffusing the Knowledge of what is wrong and injurious to Mankind (*a*); in the first, by directly declaring they're enjoined to do what ought not to be done;—In the second, I proclaim the Error of the Law, and bear a Part in bringing an unjust Punishment on the Transgressor.—Here he hoped he would not be mistaken, no Application in the Case in Hand, said he, is further intended, nothing more

(*a*) One when writing concerning the Declaration in the 1688 says, Suppose I do not consent to what I read, yet I consent to teach (*to inform my People of*) what I read, and herein is the Evil; for it may be it were no Fault to consent to the Declaration: But if I consent to teach my People what I do not consent to myself, I'm sure that is a great one; and he who can distinguish between consenting to read the Declaration, and consenting to teach, *i. e.* to inform the People by the Declaration, has a very subtle distinguishing Conscience.

more meant, than to show, that your general Principle concerning Penalties and their Consequences, are altogether a Mistake ; To return, you Instance, *that had the Parliament enjoined our Observation of the LORD's Day under the like Censure, would it not have been reasonable to obey?*--You'll please notice with Respect to this, and every other Example of a like Nature, that they are by no Means parallel to the present Case.--They are Duties to which we are antecedently and indispensibly bound ; and because of this antecedent Obligation, ought to observe them with the greatest Care, tho' not enjoined by the Parliament; but whoever reads this Act, does it solely in Obedience to the present Law.--Neither our Characters as Ministers or Subjects, gives Rise to any Antecedent, to any other Obligation.--Besides, in such Instances as you mention, we have nothing at all do with the Penalty: Here it must be read; we must publish these very Words of the Law, which closely join the statutory and penal Part together; and does not he who obeys, who promulgates any Law and its Sanctions, thereby acknowledge the Power of the Legislature so to enact, under such Sanctions, that is, in the present Case, acknowledges the Power of the Parliament to threaten, and actually incapacitate the Ministers of this Church to fit

to sit or vote in any of our Judicatories (a)? which seems to me, ('tis very possible I'm quite mistaken,) too great a Concession, in regard the Treaty of Union expressly declares and statutes, that none of the Subjects of this Kingdom shall be liable to, but all and every one of them forever free of any Oath, *Test* or Subscription within this Kingdom, contrary to, or inconsistent with the true *Protestant* Religion, and *Presbyterian* Church-Government, Worship and Discipline: This Brother added, That perhaps much the same Reasoning might be applied to the second Penalty mentioned in the Act before us; we hold even our Benefice as independent of the Publication of civil Acts as any Gentleman his paternal Estate; the Law is his only Security, and the Treaty of Union no less ours. This Treaty, not to mention other Laws, seems to secure our Livings, so long as we continue *Presbyterians*, perform the Duties of our Function, and remain undepri'd by the Ecclesiastical Jurisdiction; if we offend as Subjects, let us suffer as such.

From the whole of this Argument, a very Reverend Father thought the well known

(a) Since reading of the Act carries such an Acknowledgment, should the Parliament repeal the Patronage-act, and appoint their Act for that Purpose to be read by the Clergy, under the above mentioned Penalties, this Brother would even then find much the same Difficulties,

known Maxim, *That the lawful Commands of lawful Superiors ought to be obeyed*, could not obviate every Difficulty in the present circumstance.---One of the Company endeavouring to divert the Subject, made me think it high Time to represent what Consequences might attend their Disobedience.

Gentlemen, "The People of *England* are
 "some how impress'd, I cannot see on what
 "Ground, that the Laity in *Scotland* are of
 "a factious rebellious Spirit, and that the
 "Clergy have the same unhappy Byass;
 "should you neglect to read this Act, it may
 "strengthen the Apprehension, and confirm
 "their Prejudice."

This, Sir, said they, we have heard once and again, not without the greatest Surprise; and it would give no small Uneasiness, could we believe the Reality of such a Report; but whence should they form such a Notion?---Is there any Sett of Men in all his Majesty's Dominions have given stronger and more convincing Proofs of their Loyalty and Affection to his Person and Government.--Proofs which have not indeed consisted in Words.--In the Face of Danger our firm Attachment appear'd,--*The seasonable Warning* emitted in a most critical hazardous Time to be sure is not forgot.--Our Conduct in the Year 1715 is well known; ---when the smallest Seeds of Disloyalty appear'd in one or two of our Brethren

Brethren with timely Care, by us it was suppress'd ;
 how soon were the noxious Members cut off?
 What will we not do in a Consistency with
 our Principles to support the *Hannoverian*
Succeſſion?--- Who amongst us is not willing
 to riſque his All in ſo good a Cauſe? Is it poſ-
 ſible the Parliament can ſuſpect the beſt of
 Subjects and their firmeſt Friends?--- Shall
 Words thrown out at Random o'erballance
 ſuch undoubted Tests of Loyalty?--- Shall a
 bare Aſſertion give Birth to the Superſtition
 of a whole Country, and change one Half of its
 Clergy into Springs of Sedition and Enthufi-
 aſm?--- No ſure ; but if it made any ſmall
 Impreſſion, the Gentleman has had the Equi-
 ty and Juſtice to remove it; he meant but
 four Brethren, and perhaps a few of their
 Followers; this he is pleaſed to declare, if
 any Thing more is neceſſary, may'nt we pub-
 liſh to the World our Detestation of Mobs
 and Sentiments concerning Captain *Porteous's*
 Murder, the Danger will then over, and
 what have we more to fear. Fear!

“ Gentlemen, remember that if you don't
 “ read, you at once throw up your whole
 “ Conſtitution, and ly at the Mercy of the
 “ Legiſſature.”

And where can we ly with ſo much Sa-
 fety?---Where can we find any greater earthly
 Security, than the Mercy and Goodneſs of
 our gracious King and Parliament?---'Tis true

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we are Offenders, but not wilful and obstinate;---Offenders not in Contempt of the Law,---not from want of Zeal to the present Administration,---we offend thro' Mistake,---we are sorry we can't obey,---not the greatest Hardship,---nothing but the Dictates, possibly indeed of an erring Mind, could suspend our Obedience,---for no other Reason whatever would we refuse to comply. Can the Pity and Compassion of the Legislature find more proper Objects.---The Parliament, we are persuaded, without Design, have issued forth a Command under Penalties, which seem to us an Infringement of certain Privileges unalterably secured by the Union; we are Trustees, we are Guardians of these Privileges; we are afraid of transmitting to succeeding Ages, a maim'd and broken Constitution. Is this our Offence? Are these the Causes? Are we willing to give every other Proof of our Loyalty, our Readiness to obey in all Things competent to our Character, and may'nt we hope to obtain Forgiveness. *"What if you were all convicted, and the Threatnings take Place e're the Parliament meet."* His Majesty's Advocate has too much Lenity and Meekness, and too great a Regard to the Ministers of this Church, to carry on such Prosecutions without express Orders; and are there not different Methods to obtain his Majesty's Favour,
that

that no Prosecution may go on.--- Many Ministers of this Church experienc'd the Clemency of his Royal Father of immortal Memory, in overlooking Transgressions of a more suspicious Nature. He our present King, whom God long preserve for a lasting Blessing, continues the same Goodness, and shall we call a Matter of equal Favour in Question?--- But suppose in all this, we only amuse ourselves with vain Hopes, and that the Wisdom of the Nation shall see meet to put the Law in Execution.--- This Apprehension can never, it ought not to determine any Man contrary to the Dictates of his own Mind; Consequences must not move him, let Heaven take Care of Events, when Conscience forbids, no probable, no possible Futurities should excite to Action.--- In this we hope to show our Rulers, that seeing we could not chearfully obey, we shall chearfully suffer; but if we must speak of Events for once; if Matters are carried to the utmost, it may be a Question how even those that obey the Appointment shall preserve our Constitution. Supposing the Non-complying Clergy convicted, will not some of them still think they are obliged to attend their respective Presbyteries, &c. either then their Brethren must turn them out of Doors, or by allowing such to vote, become themselves Transgressors, and so in their
Turn

Turn must ly at the Mercy of the Legislature (a).

“ My good Friends, let me plead with you
 “ once more; Have you no Compassion to
 “ the poor People under your Charge? The
 “ Act of Parliament, as you yourselves ob-
 “ serv’d, forbids all and every Person in
 “ *Scotland* to Conceal, Aid, &c. any that shall
 “ be fugitate under the Pain of Death, &c.
 “ What if some of them may be entertain’d
 “ thro’ Ignorance, and the Punishment in-
 “ flicted on severals in your respective Pa-
 “ rishes? How will you answer for your
 “ Conduct? Are you no way chargeable with
 “ their Death?”

We humbly apprehend no such fatal Con-
 sequence can attend our Silence in the Pulpit.
 Amongst all the numerous Acts of the *British*
 Parliament,---Acts relating to every Individu-
 al,---Acts threatning the severest Punishments,
 the Legislature has never hitherto thought it a
 habile Way, or necessary, that any of them
 should be intimate from our Pulpits, judging
 the usual Methods of Publication sufficient to
 cut off all Plea of Ignorance; even in this ’tis
 supposed the Law will be known without our
 Pub-

(a) Tho’ there’s no particular Penalty, said your Brethren,
 annexed to this Offence, yet being Transgressors, no doubt
 they ly at the Mercy of the Legislature.

Publication : Hence the Appointment runs not that it may be notified, but that it may be the *better* notified :---Whatever might be the Reason of this particular Method of Publication, 'tis proper to observe, That this Act has already made such Noise, that scarce any one Person is ignorant of its Contents (*a*) ; and we believe 'tis obvious to all, that one Minister's neglecting the Appointment will, as Things now stand, occasion such an Enquiry, as must infallibly make it more known than the reading of an hundred : Besides, the People are not yet in Danger, near a Twelvemonth must first pass, and e're that Time the Parliament are to meet, who, in their Wisdom, can, by many different Ways, supply the Defect ; what if they shall appoint this Act to be read at our Church-doors, on dismissing the Congregation, and from the Market-crosses, and affixed to every publick Place, together with the Names of the Fugitate ; this, we speak, with all due Submission, might
more

(*a*) By this Observation, and the whole of this Paragraph, your Brethren did not mean, that 'tis left to the Clergy to judge whether the Act is sufficiently published, and accordingly to obey or not obey the Appointment ; such Reasoning they afterwards condemn : And to be sure, should any Minister, tho' certain that his whole Parish knew every Word of this Act, neglect to read the same, he's a direct Transgressor of the Law. We design nothing more, said they, than to remove your Argument taken from Compassion, and to shew, that our People can never err through Ignorance.

more effectually deprive the Criminals of all Succour and Relief, and the better show each one his Danger who entertain them ; for 'tis certain many don't attend our Churches.

“ One Word, Gentlemen, and I shall give
 “ you no further Trouble, I hope such No-
 “ tions are peculiar to yourselves, and that
 “ few or none of your Brethren will scruple
 “ to obey an Act of Parliament.”

We speak indeed only for ourselves; but all with whom we converse, or, so far as our Information goes, every one seems press'd with much the same Difficulties. We know none, we have heard of none, that can chearfully comply with the Appointment in every Respect.-----Is not this, Sir, to become the same with us---The Legislature is not to be obeyed by Halves?---The Parliament requires not only that this Act, *i. e.* surely the whole, every Part and Paricular shall be read, but that it shall be read *as hereby directed*;-----not the smallest Circumstance of Time and Place can be omitted or changed, without a direct Violation of the Law. He who offends in one Point, in the smallest *Iota*, is guilty of all; he equally contemns the Authority enjoining it:---It is not ours, 'tis too much Presumption to omit this, or the other Part of the Act, if one may pretend there's no Need, when obeying, to read the Penalty in case of Disobedience.---Another may say, my People know

know their Penalty, if they shall harbour the Fugitive, why need I spend Time in reading this Part.—A third knows that mentioning both Houses of Parliament, expresses the whole Authority, and so sees no Need to pronounce **Lords Spiritual**. Thus every one may find out a different Reason against reading different Parts of the Act, until the whole is mutilated, and taken away Piece-meal, or perhaps a quite opposite substitute in its Place.—Are we thus to assign the Reason and Intention of the Parliament, in appointing this or the other Clause to be read, and we, tho' but Heralds, arrogantly to determine when that Reason ceases, when the Law here is altogether silent? This, we're afraid, is to ridicule Majesty, and set ourselves above the higher Powers.

“ But maynt you go as far with the Legislature as possible, and read as much of the Act as you can with a safe Conscience.”

This is not Obedience to the Law; it enjoins the Whole, and not a Part to be read; consequently such a Practice would show no greater Regard to the Lawgivers, than Silence itself.— The Man who is silent, shows fairly and honestly, that seeing he can't obey, he accepts of the Alternative, and submits to the Punishment. He who reads a Part, would be thought a good Subject, he flatters his Governours, while in the mean Time by neglecting

glecting to read another Part, he apprizes the People that they (a) have enacted something wrong and unequal (b) ---What can Silence do more? It must be allowed indeed, that he publishes his Approbation of the whole Law; besides, according to a well established Maxim, *exceptio confirmat regulam in non exceptis*.

When Men are fond of Conceits, every Thing in their Conduct has that Turn.--- Thus some of our Brethren apprehend, that tho' this Act is evidently directed to be read in Time of Divine Service, yet their reading it in the Morning, before publick Worship begin, will do as well; by so doing they pretend so far, at least, to obey Authority, while thereby the very End of Authority is frustrate (c).

"A

(a) His Governours.

(b) This Observation is applicable even to the Man who reads the whole, the Penalty on himself in case of Disobedience only excepted. 'Tis indeed a new Fancy, that this Penalty is no Part of the Act, and that tho' this Act, not one Particular excepted, is appointed to be read, and read precisely as the Law directs; yet the Legislature never meant that the Penalty should be published.

(c) I put your Brethren in Mind, that the Proclamation of Banns is before all publick Worship begins. They replied: And what's the Consequence? few or none are in the Church; so that it is little better than no Proclamation at all, And this, said they, is the strongest Argument against reading

" A certain Act is ordered to be published
 " in the Throng of a Market; 'tis address'd
 " to two Heralds, both think it contains
 " Things hard and severe, both find Diffi-
 " culty to officiate; one honestly declines al-
 " together,--- the other resolves to go as far
 " in Obedience as he can; I'll publish it, says
 " he, in the Evening when the Fair is broke
 " up, or in the Morning before its gathered:
 " And I tell you, good People, e're the Time
 " come, stay but a few Minutes longer from
 " the Market than usual, the Publication shall
 " be over, and without Disturbance, you
 " may enjoy the Day for your proper Busi-
 " ness." Whether is this, Sir, said one, to
 follow the Legislature, or to stand still? which
 of the two obey? Most certainly neither.---

E

Both

ing the Act at that Time, especially if we further notice, that
 it is the Practice of most Part of the People in *Scotland*, not
 to come to Church, 'till publick Worship is actually be-
 gun; and certainly they will never hasten, but rather delay
 their going to Church longer than usual, because however
 they detest the Murder of Captain *Porteous*, and are far
 from screening the Guilty, yet they imagine, that the Minister
 who publishes this Act, considering its Penalties, gives up
 with some essential *Presbyterian* Principles, a Thing to
 which surely they will not choose to be Witnesses: Therefore,
 from this whole circumstantiated Case, he who reads it before
 any Part of Divine Service is performed, is morally certain,
 that scarce any will be present, and so does not follow the
 Legislature one Step; he no more obeys the Appointment,
 than the Man who reads it only in his Closet.

Both are Transgressors, but the latter aggravates his Disobedience by a mock Proclamation; and what if we shall add, that he join'd a Declaration at the same Time, importing— *Horresco referens*, but I forbear.— This put an End to the Conference.

You see, Sir, the Sum of their Difficulties amount to this,--- That Ministers are by no Means proper Heralds of Civil Acts;---That giving way to a Precedent of this Kind may have the worse Consequences, in regard the Appointment seems to respect them, not so much as Individuals or particular Subjects, but as Churchmen, a Society some how contradistinguished from the Common-wealth;--- That tho' the proper Officers for publishing Laws, are not bound to examine their Contents, yet when the Injunction extends to others, whose Office it is not, *they*, and especially Ministers should enquire, so as to be satisfied in their own Minds, that the Law is good and useful;---That nothing short of this Conviction can justify going out of their own Sphere, and undertaking a new Office; ---That the Argument is of greater Force in the present Case, when the Act is appointed to be read from the Pulpit on the LORD's Day, in Time of Divine Service; and therefore, while so weak as not to approve of the Law, they could not in the circumstantiate Case warrantably publish it; which

which Sentiment stands confirmed by the universal Judgment of all *England* in 1688, both Laity and Clergy.— That supposing these Observations were of little or no Weight, and should they be satisfy'd, as Heralds, without any nice Enquiry, to publish this Act, still Difficulty remained, because tho' the Herald is not bound to examine, yet if any how he apprehends, or is perswaded (whether the Perswasion be just or not, does not alter the Case) that a Law is unequal, he ought rather to lay down his Office, than make it publick.— That suppose Reading did not infer an Approbation in any Case, he ought to act such a Part, seeing it is a certain Principle, *That no Man should go contrary to the Dictates of his own Mind* (a), and that the Divine Law commands to *abstain from all Appearance of Evil*, which *a fortiori* forbids one's being the Mouth, the *Medium* of communicating the Knowledge of Wrong; and therefore, putting the Minister in the Herald's Place, if the Mind is perplex'd with Doubts, he could not yield a cheerful sinless Obedience, according to the Apostle's Rule, *Whatsoever is not of Faith is Sin*.— Their Argument subsumes, that tho' they are far from affirming, that the Legislature

(a) This certain Principle was by Mistake omitted in stating the Argument under the third Particular, p. 9. l. 19. the Reader is therefore to suppose it insert in that Place.

ture has enacted any Thing unjust or sinful; yet such in their Apprehension is the Frame and Contexture of this Law, that they are at present in a State of Suspence, and that the rest of their Brethren, all Things considered, seem to be much in the same Situation.----In short, that no probable, no possible Consequences can oblige to speak where the Conscience enjoins Silence :---And on the whole, the Forbearance and Gentleness of the Administration, and the Tenderness that has been shewn to scrupulous Minds, by the present Royal Family, makes them chuse rather to throw themselves on their Mercy, than yield a partial, reluctant Obedience.----

Thus, Sir, I have laid their Difficulties before you; if, by placing them in too strong a Light, any Words have unwarily dropt, which may be supposed to insinuate the remotest Reflection on any of our Rulers, I heartily beg Forgiveness, and can honestly say, nothing was farther from my Intention. If you are so happy as to satisfy these Doubts, it will be no small Service done his Majesty's Interest and Government, and to this Church in particular, by preserving some of her most worthy and valuable Members: Therefore need scarce say, that it will singularly oblige, tho' not personally concerned in the present Question,

*Reverend Sir,
Yours, &c.*

Y. Z.

